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ORIGIN AND HISTORY OF ENGLISH INNS OF CHANCERY.

After the Norman conquest, the subsequent settlement of law aroused Englishmen to the fact that their difficulties and rights were to be settled and protected in proper form by the courts. Accordingly, at least in the thirteenth century, it was felt that those who practised before the courts should have such training as would guarantee the cause of their clients being properly debated. Hence arose the necessity for Schools of Law. The Inns of Court were founded, and a system of training in those great caravansaries of the law was established. Like every university, it was part of their scheme that there should be, in connection with them, preparatory schools, where scholars might obtain that elementary education which would enable them successfully to prosecute their higher studies in the Inns of Court. This necessity was met by the establishment of the Inns of Chancery.

The history of the Inns of Court, the Inner and Middle Temple, Lincoln's Inn and Gray's Inn, is too well known to need repetition. Hoary with tradition, yet elastic in their adaption to the wants of the present work-a-day world, like their great mistress, the Law, which fortunately adapts herself, from time to time, to the exigencies of a higher and better civilization, these schools have become part and parcel of the life of England.

Near the Temple it was that Mr. Altamont had chambers, on the north side of Temple Bar, where he visited Captain Costigan, in Lyon's Inn. Here Pendennis and Warrington used to share their rooms and write those wonderful articles for Captain Chandon's new paper, the Pall Mall Gazette, bringing delight to the soul of Mr. Bungay and envious dread into the heart of Mr. Bacon. Here, too, the dear old Colonel, that simple-hearted Christian gentleman for all time, called on Warrington with little Clive, and gazed with reverence on the damp proof sheets which he was correcting. Here, too, it was that Mr. Thomas Browne, the elder, had those chambers which he unfortunately lent to his friend Mr. Bludger, of sporting tendencies, for that memorable

lunch, at which Mrs. MacWhirter appeared, and was greeted by a strong smell of tobacco smoke and a ferocious bulldog. Which event cost poor Thomas a small fortune.

The Inns of Chancery, alas! have outlived their usefulness, becoming merely a memory; and, soon, even that memory will have faded. Their history has never been separately written, nor their common history ever compiled in any one book, though occasional references have been made to them in some histories of the Inns of Court. By the time of Sir Matthew Hale, the custom of entering an Inn of Chancery before going to an Inn of Court had become obsolete, and the natural result of the loss of connection with the greatest societies was the gradual, and at last complete, extinguishment of the smaller institutions.

They were curious places these Inns of Chancery, full of queer customs, and hedged round with many traditions. They were originally so-called because anciently they were inhabited by such clerks as chiefly studied the framing of writs which regularly belonged to the cursitors, who were officers of the Court of Chancery. And *magna opera* were these ancient writs. The modern apprentice to the law who issues the simple writ of summons calling upon the defendant in the name of Edward VII, by the Grace of God, etc., has little conception of the artifices and casuistry which it was necessary to employ in drafting the writs of olden time.

The floor of each Inn of Chancery was divided into two spaces. At the very end stood the students separated by a bar from the hall, and on the latter sat the rulers of the Inn. When a student had made sufficient progress he was called within this bar, and, after a further interval, to the bottom of the dais. He was then entitled to enter as a student of the Inn of Court to which his Inn of Chancery belonged; and the serious part of his education began. Legal training in those days, *ex necessitate*, was hard and tedious, for the pitfalls were many and the ways dark and dangerous.

Each Inn of Court had its Inns of Chancery. These were to the Inns of Court what Eton is to King's at Cambridge, or Winchester to New College. Lincoln's Inn had Thavie's and Furnival's annexed to it; with Gray's Inn were associated Staple's and Barnard's; the middle Temple had Strand Inn, afterwards

merged into New Inn, and seemingly others, whose existence cannot now be traced; and the inner Temple controlled Clifford's, Lyon's and Clement's Inns.

Thavie's was a feeder to Lincoln's Inn, but within memory Thavie's has never been more than a name. In its day it was the oldest Inn of the Holborn group, and adjoined the parish Church of St. Andrew. It was rented of John Thavie, armourer, for the apprentices of the law in the time of Edward III. Its members had to be ten days in commons in issuable terms, and the rest of the terms a week. A fire destroyed Thavie's and then a range of private buildings took its place.

Furnival's was in existence in the reign of Henry IV, as is evidenced by entries in its stewards' account book. It derived its name from the Lords Furnival, and was in Holborn, between Brook Street and Feather Lane. Thomas Fiddell, of Furnival's Inn, Gentleman, one of the attorneys of the Court of Common Pleas, wrote a book, published in 1654, entitled "A Perfect Guide for a Studious Young Lawyer, being Precedents in Conveyancing." The government of this Inn was by a principal and twelve ancients, and members were to be in commons a fortnight in every term, or pay two shillings per week if absent.

Staple Inn, originally called Staple Hall, and anciently a sort of exchange or meeting place for wool merchants or staplers, was on the south side of Holborn nearly opposite Gray's Inn Lane. In the twentieth year of Henry VIII, the inheritance of Staple Inn passed from John Knighton and Alice his wife to the Benchers and Ancients of Gray's Inn. In Elizabeth's reign there were one hundred and forty-five students in term and sixty-nine out of term, the largest number in any Inn of Chancery. When the Commission sat in the fifties to inquire into the state of various Inns of Chancery, the evidence showed that this society was hazy as to its history. It is believed that in the time of Henry V, or before, it became an Inn of Chancery, but it had no papers to show. There had been a fire at the principal's in the last century, and the papers might have been destroyed then. Staple's had no reader, chaplain or chapel. It had not so much as a pew. It once had a few sittings in St. Andrew's Holborn, but they had been taken away and there was no getting them back again. At the time of the commission, the society consisted of ancients and

juniors, who numbered respectively eight and ten. Any tenant of the Inn might be a junior, and anybody might be a tenant of the Inn. To become a member the junior had still to go through the ceremony of election. Once a member he might dine in Hall on paying for the privilege, and leaving his order with the cook. The ancients had to qualify by the possession of freehold chambers for which they paid full value. They were held for life; but on the death of the holder they lapsed to the society. There was a way of saving them, however, by the owner making a surrender of them to a very young man. The very young man in his turn might surrender them again, but only when he had attained the age of the freeholder from whom he had received them. If he died before attaining that age they lapsed to the Inn. It is interesting to note that Dr. Johnson went from Gough square to Staple Inn on the completion of his dictionary, because he was unable to bear the expense of a house after that source of income had ceased. In his chambers there he composed his "Little Story Book, Rasselas, Prince of Abyssinia," and with the proceeds of its sale buried his mother. In 1759, he removed to Gray's Inn.

Barnard's Inn, formerly called Mackworth's was the quaintest of all the Inns of Chancery. It had never been wicked, like Lyon's Inn; it had only been "off color," as it had been peopled by new generations not necessarily connected with the pursuit of any recognized calling. Stow mentions that in the thirty-second year of Henry VI, "a tumult betwixt the gentlemen of the Inns of Court and Chancery and the citizens of London happening in Fleet street in which some mischief was done, the principals of Clifford's Inne, Furnival's Inne and Barnard's Inne were sent prisoners to Hartford Castle." The government of this Inn was vested in a principal and twelve ancients; members had to be in commons a fortnight in two terms, ten days in others. The dress consisted of long robes and knit caps, and mootings were held. This Inn told much the same tale as the others to the commission, with the difference that its principal, nine ancients, and five companions wanted no addition to their number. An ill-conditioned person had once the temerity to try and thrust himself upon them by simply applying for admission. He was refused of course, and equally of course he went to a court of law, and got

a rule *nisi* for a mandamus. The claim was tried before Lord Tenterden, who refused to grant it on the ground that Barnard's was a voluntary association, and the court had no jurisdiction. This society, however, dined in hall, and was a "convivial party." Anciently, each mess of four men at its ceremonies of initiation had two quarts of wine at their mess. There was a reader, "but what he read about, or who paid him," no witness could tell the commission, and there was no minute in the book to show. In 1664, according to Foss' Judges of England, the porter of the Inn was fined 6s. 3d, for not having given notice to the principal of the reader's arrival. In 1601, one Mr. Warren was fined £1 6s. 8d. "for wearing his hat in the hall, and for his long hair, and otherwise misdemeaning himself." In the time of the plague, the porter was allowed 4s. for coals to be burnt in the street by order of the Lord Mayor.

Barnard's was a queer little place. Its last bachelor, in its last wainscotted room might have had quite a night of it if he knew his opportunities. He would have his choice of many kinds of suggestive incident. He might have called up the alchemist Peter Woulfe, who lived there a century ago, or the Mackworths, who gave their name to it in the reign of Henry VI, and perhaps Burleigh and Bacon, and Lord Keeper Coventry and Lord Chief Justice Holt, who was formerly a principal of the Inn, for their portraits were all in the old hall, also Hayley, the poet, who had a set of chambers in the Inn in 1737, which he described as cheap and pleasant. When the single figures tired his fancy he could fill the room with a roaring mob. Dr. Warner, who lived there over a century ago, when Lord George Gordon's ruffians sallied out to the sack of London, would tell him in a letter still extant what passed in Barnard's and its purlieus on one awful night. It was the night on which they fired the ancient distillery, where a distillery still stood some few years ago, nearly next door to the old Inn. They drank the liquor, and they died in the gutters where they lapped it up, when they were not too far gone to stagger out of the burning building in which so many of them met their fate. Barnard's was singed, but saved. "My staircase is not yet burned down," wrote poor Dr. Warner next day. "When I shall overcome the horror of the night and its consequences I cannot guess."

New Inn was contiguous to Clement's. Its site was that of an hostelry known as our Lady Inn. Its history goes back to Tudor times. Stow tells how the law students of St. George's Inn, Holborn, migrated to a common hostelry called our Lady Inn, which they held by the name of New Inn. Here, too, the students of the Strand Inn removed on the destruction of their house for the building of the mansion of the Lord Protector Somerset. Sir Thomas More was educated at New Inn, before he proceeded to Lincoln's Inn. In the Strand Inn, also called Chester Inn, Ocleve, the poet in the reign of Henry V, is to have studied law. New Inn was pulled down in 1902 to make way for the Holborn to Strand avenue.

Clifford's Inn, sometimes belonging to Robert Clifford by the gift of Edward III, was after his death, let by his widow, Isabel, to students of the law *demisit apprenticiis de banco*.

This society was governed by a principal and twelve rulers. The gentlemen were to be in common every fortnight in every term, and those who were not, paid about four shillings a week. They could sell their chambers for one life. In the hall of this Inn, Sir Matthew Hale, and the principal judges sat after the Great Fire of London, to settle the various differences which arose between landlords and tenants, and to ascertain the several divisions of property.

This Inn, which was perhaps, the oldest of the Inns of Chancery, was sold in 1903 for £100,000, and the acre or less of ground on which the buildings stood, with the diminutive garden which had let the sunshine through their ancient lights for centuries, has been turned to utilitarian account.

Lyon's Inn was a place of considerable antiquity. The steward's book contained entries in the time of Henry V. Three centuries ago it was spoken of as "a guest inn or hostelry held at the sign of the Lyon and purchased by gentlemen, professors, and students in the law and converted into an Inn of Chancery." It has also been described as a "nursery of lawyers," the nursery, it is to be feared, of lawyers in their second childhood, for there are many quaint stories told about the aged men of the law who dwelt in this weird retreat. One of these was heard to say that he was born there, and that there he would wish to die, and another in his dingy garret took such strange delight in his window

gardens that he never sighed for "fresh woods and pastures new," but lived there to a great old age, in "measureless content."

It was a queer old place, Lyon's Inn. It perished of public contempt long before it came to the hammer and the pick. It was a gloomy expanse of dirt and disrepute in the days before the Globe Theatre and the Opera Comique usurped its site. Towards the last none lived there but blacklegs, adventures and attorneys who had been struck off the rolls. It looked very wicked, did this dingy square. It was a shady place of abode in more ways than one. Mr. Weare left one of its tumble down sets of chambers, with shutters swinging to the wind, when he set out for the country, to be murdered by Mr. Thurtell. Captain Costigan lived there when he used to be visited by Mr. Altamont from over the way. At the time of the commission, Lyon's Inn was found to be under the management of two ancients who appeared to be without the faintest idea as to what were their duties or rights. The ancients as a body had not dined in the hall for over a century. One of the witnesses remembered that there had been a reader, but this gentleman had burlesqued the thing so greatly that the ancients were disgusted, and never gave him a successor. Formerly the government of this Inn was vested in a treasurer and twelve ancients. Gentlemen were in commons three weeks in Michaelmas term; in others two weeks. The fees were five shillings for the reading week, two shillings for the others. Members sold their chambers for one or two lives, and mootings were held once in four terms. In the third Elizabeth, it appears that the Middle Temple having lost Strand Inn on the building of Somerset House, endeavored to take Lyon's Inn from the Inner Temple, being abetted in that intention by the two chief justices, Sir Robert Catlyn and Sir James Dwyer, but the desire was frustrated by the earnest intercession of the Queen of Sir Robert Dudley, afterwards Earl of Leicester. In gratitude for the noble lord's efforts, the Inner Temple resolved that no person who then or should thereafter belong to the society, should be retained of counsel against the said Sir Robert or his heirs, and that the arms of the said Lord Robert should be set up in their hall as a continual monument of his endeavors.

Clement's Inn was situated near St. Clement's church, under

the sound of its dreary chimes. In the middle of the garden was a sun-dial, supported by a kneeling figure of a naked Moor or African, the gift of Lord Clare. They were a wild lot, the *apprenticii de banco* of this Inn, according to Styrpe, and caused the worthy recorder and the honest burghers of Westminster much concern. It is said that some wag, with more wit than poetry, stuck the following lines on the statue:

“In vain, poor sable son of woe,
Thou seek'st the tender tear;
From thee in vain with pangs they flow,
For mercy dwells not here.

From cannibals thou fled'st in vain;
Lawyers less quarter give;
The first won't eat you till you're slain
The last will do't alive.”

Lord Chief Justice Sanders, who succeeded Sir Francis Pemberton, chief justice in 1681, received the rudiments of his education at this Inn. He was a strolling beggar, without kith or kin, and used to beg for scraps at the Inn. His quickness and brightness were noticed, and, as he expressed a wish to learn to write, one of the clerks of an attorney taught him, and in time he became a good hackney-writer. Gaining information from observation and reading all the books he could get hold of, in the course of a few years he became an able attorney, and ultimately an eminent counsel. He had a great practice in the King's Bench, “his art and cunning were equal to his knowledge, and he carried many a cause by laying snares.” His person was as heavy and ungainly as his wit was alert and sprightly. He is said to have been a “mere lump of morbid flesh, and the smell of him was so offensive that people usually held their noses when he came into court.”

At the time of the commission, Clement's Inn consisted of a principal and an unlimited number of ancients and commoners, all solicitors. The hall was held in fee simple under the trustees, among whom were several of the Common Law Judges and Vice Chancellors. Nearly all the funds were spent in repairing the Inn and there had never been a surplus within the memory of man. In the days when the society still made a show of supplying legal education, a reader used to be sent down from the

Temple once a term. But this pretense had been stopped for very many years, and when the society tried to recommence it, the Temple refused to take part in the farce. The Inn was very hard up, the witnesses told the commission; and latterly the members had dined together only once a term. There was no library and no chapel, but there were three pews in St. Clement Danes for the use of the society, and there was also a vault beneath the pews where any of the principals or ancients "might be buried if they wished."

"Aha!" said the old man, "Aha! who was talking about the Inns?"

"I was, Sir," replied Mr. Pickwick—"I was observing what singular old places they are."

"You," said the old man, contemptuously—"What do you know of the time when young men shut themselves up in those lonely rooms, and read and read, hour after hour, and night after night, till their reason wandered beneath their midnight studies; till their mental powers were exhausted; till morning's light brought no freshness or health to them; and they sank beneath the unnatural devotion of their youthful energies to their dry old books? They are no ordinary houses, those. There is not a panel in the old wainscotting but what, if it were endowed with the powers of speech and memory, could start from the wall, and tell its tale of horror—the romance of life, Sir, the romance of life. Commonplace as they may seem now, I tell you they are strange old places, and I would rather hear many a legend with a terrific-sounding name, than the true history of one old set of chambers."—*H. Spenden Steel in the Commonwealth Law Review.*